

STATEMENT OF CONSIDERATION RELATING TO
907 KAR 20:020

Department for Medicaid Services
Amended After Comments

(1) A public hearing regarding 907 KAR 20:020 was not requested and; therefore, not held.

(2) The following individuals submitted written comments regarding 907 KAR 20:020:

<u>Name and Title</u>	<u>Organization/Agency/Other Entity</u>
Kathy Adams, Director of Public Policy	Children's Alliance
Teresa C. James, Commissioner	Department for Community Based Services (DCBS)

(3) The following individual from the promulgating agency responded to comments received regarding 907 KAR 20:020:

<u>Name and Title</u>	<u>Organization/Agency/Other Entity</u>
Stuart Owen, Regulation Coordinator	Department for Medicaid Services

SUMMARY OF COMMENTS AND AGENCY'S RESPONSES

(1) Subject: Exclusion for VA Benefits

(a) Comment: Teresa C. James, Commissioner of the Department for Community Based Services stated the following:

"Section 4(7) indicates that the \$90 exclusion applies to VA benefits. Prior DMS directive, upon which the DCBS Family Support Operations Manual is based, states that the \$90 disregard applies to veteran's pension only; the disregard is not allowed for compensation."

(b) Response: The Department for Medicaid Services (DMS) is revising the language in an "amended after comments" administrative regulation as follows:

"(7) A veteran or the spouse of a veteran residing in a nursing facility who is receiving a Veterans Administration (VA) **pension** benefit shall have ninety (90) dollars:

- (a) Excluded as income in the Medicaid eligibility determination; and
- (b) Excluded as income in the post eligibility determination process."

(2) Subject: Inclusion of Foster Children

(a) Comment: Kathy Adams, Directory of Public Policy for Children's Alliance, stated the following:

"Page 1, line 2 to page 2, line 1: Request that 'aged out of foster care' be clarified to ensure former foster children are Medicaid eligible from the time that they turn 18, and not just from age 19 to 26."

(b) Response: For their eighteenth year, such an individual would be covered by the Kentucky Children's Health Insurance Premium (KCHIP) program rather than by the Medicaid program.

(3) Subject: Clarification of Approval

(a) Comment: Kathy Adams, Directory of Public Policy for Children's Alliance, stated the following:

"Page 9, line 20: Request clarification of regarding who approves the 'approved plan' referenced in Subsection (1)."

(b) Response: DMS is inserting language in an "amended after comments" administrative regulation to clarify that the approving entity is the United States Social Security Administration.

(4) Subject: Grammatical Suggestions

(a) Comment: Kathy Adams, Directory of Public Policy for Children's Alliance, stated the following:

"Page 4 line 10 to page 5, line 12: Recommend deleting (a) on page 4, line 10 and (b) on page 5, line 12 since there is no language to go with (b). Per KRS 13A there cannot be an (a) if there is no (b)."

(b) Response: The Legislative Research Commission's Regulations Compiler deleted the (a) via a technical amendment made after the administrative regulation was filed.

(c) Comment: Kathy Adams, Directory of Public Policy for Children's Alliance, stated the following:

"Page 14, line 16: Recommend adding 's' to the word 'receive' so that it reads, 'An individual who receives supplemental...'"

(d) Response: The Legislative Research Commission's Regulations Compiler corrected the language via a technical amendment made after the administrative regulation was filed.

SUMMARY OF STATEMENT OF CONSIDERATION
AND
ACTION TAKEN BY PROMULGATING ADMINISTRATIVE BODY

The Department for Medicaid Services (DMS) has considered the comments received regarding 907 KAR 20:020 and is amending the administrative regulation as follows:

Page 4

Section 1(2)

Line 8

After “(2)”, delete “The following special factor”.

After “[~~factors~~], delete “shall apply”.

Page 9

Section 4(1)

Line 20

After “fulfill”, insert “a”, delete “an approved”.

After “plan”, insert the following:

approved by the United States Social Security Administration

Page 10

Section 4(7)

Line 20

After “(VA)”, insert “pension”.

Page 14

Section 9(1)

Line 11

After “Applicability.”, delete “(1)”.

Page 14

Section 9(1)(a)

Line 13

Renumber this paragraph by inserting “(1)” and by deleting “(a)”.

Page 14

Section 9(1)(a)1, 2, and 3

Lines 14, 15, and 16

Renumber these three subparagraphs by inserting “(a)”, “(b)”, and “(c)”, respectively, and by deleting “1.”, “2.”, and “3.”, respectively.

Page 14

Section 9(1)(b)

Line 17

Renumber this paragraph by inserting “(2)” and by deleting “(b)”.

Page 14

Section 9(1)(b)1

Line 18

Delete “1.”.

After “determined”, insert a colon, a return, and “(a)”.

Line 19

After “standard”, insert “pursuant to 907 KAR 20:100”.

After “; or”, insert a return and “(b) Pursuant to 907 KAR 20:075”.

Page 14

Section 9(1)(b)2 and Section 9(2)

Line 20 through

Page 15

Line 11

Delete Section 9(1)(b)2 and Section 9(2) in their entirety.